

Exhibit A - Complaint

21-009327-NO FILED IN MY OFFICE Cathy M. Garrett WAYNE COUNTY CLERK 7/30/2021 5:52 PM Laverne Chapman

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

STEPHEN LAKNER,

Plaintiff,

Case No: 2021-
Hon.

-NO

v

HOME DEPOT U.S.A., INC.,

Defendants.

Elias Muawad (P41632)
Law Offices of Elias Muawad, P.C.
Attorney for Plaintiff
40700 Woodward Ave., Suite 305
Bloomfield Hills, Michigan 48304
(248) 594-4700/(248) 594-4701 Fax
elias@muawadpc.com

COMPLAINT

There is no other pending Civil Action arising
out of the transaction or occurrence alleged in
the following Complaint.

/s/ Elias Muawad
Elias Muawad (P41632)

NOW COMES the above named Plaintiff, STEPHEN LAKNER, by and through
his attorney, ELIAS MUAWAD, and for his Complaint against the above named
Defendant, states as follows:

1. That at all times relevant herein, Plaintiff is a resident of the City of Westland,
County of Wayne, State of Michigan.

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2. That at all times relevant herein, Defendant is a Foreign Profit Corporation, authorized to doing business in the County of Wayne, State of Michigan.
3. That the amount in controversy exceeds \$25,000.00.
4. That on or about, April 19, 2019, Plaintiff was a patron at the Defendant's premises when he was picking up a bath tub when he asked employees of the Defendant to help him with the tub, they slid the tub forward causing a 2x4 to fall down hitting Plaintiff in the head.

PREMISES LIABILITY

5. Plaintiff re-alleges paragraphs one through four above as though fully re-stated herein.
6. That on or about April 6, 2019, Defendant(s), was the owner of the premises where the incident occurred located at 39825 Ford Rd., Canton, MI 48187.
7. That Defendant owed a duty of care to the Plaintiff and was negligent in the following manner but not limited to:
 - A. Violation of MCLA §554.139;
 - B. Maintaining property in a hazardous and dangerous condition;
 - C. Assuring its guest / visitor/resident, Plaintiff, STEPHEN LAKNER, in particular, onto its property when it knew or should have known that the premises was not safe and that serious injuries could result therefrom;
 - D. Failing to warn the Plaintiff and others on the premises of the dangerous condition of the premises;
 - E. Failing to post a sign of this dangerous condition or take other precautions to remedy the dangerous conditions there existing on the premises;

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9. That as a direct and proximate result of Defendant's negligence, Plaintiff suffered painful and disabling injuries including but not limited to: Plaintiff's head, headaches, memory loss.

10. That as a result of these injuries, Plaintiff has suffered great pain both physical, emotional and humiliation, including limitations to his ability to work, engage in many of the household, social functions and activities she had been able to engage in prior to his injuries.

11. That Plaintiff has required medical care and hospitalization in the past and may incur additional medical expenses in the future.

12. That some or all of the Plaintiff's injuries may have aggravated and/or activated latent pre-existing conditions known or unknown at the time of his fall.

13. That the Plaintiff has lost wages in the past and may incur lost wages in the future.

WHEREFORE, the Plaintiff, STEPHEN LAKNER, demands a judgment against the Defendant in whatever amount she is found to be entitled that is in excess of Twenty five Thousand (\$25,000.00) Dollars, together with costs, interest, attorney fees and any other remedy the Court deems just and proper.

NEGLIGENCE

14. Plaintiff re-alleges paragraphs one through thirteen above as though fully re-stated herein.

15. Defendant owed Plaintiff the duty of due and reasonable care.

16. The Defendant breached its duties and was negligent by failing to maintain and secure the bath tub.

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17. That as a direct and proximate result of Defendant negligence, Plaintiff suffered painful and disabling injuries including but not limited to: Plaintiff's head, headaches, memory loss.
18. That as a result of these injuries, Plaintiff has suffered great pain both physical, emotional and humiliation, including limitations to his ability to work, engage in many of the household, social functions and activities he had been able to engage in prior to his injuries.
19. That Plaintiff has required medical care and hospitalization in the past and may incur additional medical expenses in the future.
20. That some or all of the Plaintiff's injuries may have aggravated and/or activated latent pre-existing conditions known or unknown at the time of his fall.
20. That the Plaintiff has lost wages in the past and may incur lost wages in the future.

WHEREFORE, the Plaintiff, STEPHEN LAKNER, demands a judgment against the Defendant in whatever amount she is found to be entitled that is in excess of Twenty five Thousand (\$25,000.00) Dollars, together with costs, interest, attorney fees and any other remedy the Court deems just and proper.

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Respectfully submitted;

/s/ Elias Muawad
Elias Muawad (P41632)
Attorney for Plaintiff
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Dated: July 30, 2021.